

## RULE

### Department of Natural Resources Office of Conservation

#### Fees (LAC 43:XIX.701, 703, and 707)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Conservation hereby amends the established fees.

#### Title 43

#### NATURAL RESOURCES

#### Part XIX. Office of Conservation—General Operations Subpart 2. Statewide Order No. 29-R

#### Chapter 7. Fees

#### §701. Definitions

##### *Application to Amend Permit to Drill*

(*Minerals*)—an application to alter, amend, or change a permit to drill for minerals after its initial issuance, as authorized by R.S. 30:28.\*

\*Application to Amend Operator (transfer of ownership, including any other amendment action requested at that time) for any orphaned well, any multiply completed well which has reverted to a single completion, any non-producing well which is plugged and abandoned within the time frame directed by the Commissioner, as well as any stripper crude oil well or incapable gas well so certified by the Department of Revenue shall not be subject to the application fee provided herein.

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*BOE*—annual barrels oil equivalent. Gas production is converted to BOE by dividing annual mcf by a factor of 7.0.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:542 (August 1988), amended LR 15:551 (July 1989), LR 21:1249 (November 1995), LR 24:458 (March 1998), LR 24:2127 (November 1998), LR 25:1873 (October 1999), LR 26:2302 (October 2000), LR 27:1919 (November 2001), LR 28:2366 (November 2002), LR 29:2499 (November 2003), LR 31:2950 (November 2005).

#### §703. Fee Schedule for Fiscal Year 2005-2006

A. ...

#### B. Regulatory Fees

1. Operators of each permitted Type A Facility are required to pay an annual Regulatory Fee of \$6,544 per facility.

2. Operators of each permitted Type B Facility are required to pay an annual Regulatory Fee of \$3,272 per facility.

Tier	Annual Production (Barrel Oil Equivalent)	Fee (\$ per Well)
Tier 1	0	15
Tier 2	1-5,000	80
Tier 3	5,001-15,000	227
Tier 4	15,001-30,000	379
Tier 5	30,001-60,000	606
Tier 6	60,001-110,000	834
Tier 7	110,001-9,999,999	1,023

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq., R.S. 30:560 and 706.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:544 (August 1988), amended LR 15:552 (July 1989), LR 21:1250 (November 1995), LR 24:459 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:2304 (October 2000), LR 27:1920 (November 2001), LR 28:2368 (November 2002), LR 29:350 (March 2003), LR 29:2501 (November 2003), LR 30:2494 (November 2004), LR 31:2950 (November 2005).

#### §707. Severability and Effective Date

A. The fees set forth in §703 are hereby adopted as individual and independent rules comprising this body of rules designated as Statewide Order No. 29-R-05/06 and if any such individual fee is held to be unacceptable, pursuant to R.S. 49:968(H)(2), or held to be invalid by a court of law, then such unacceptability or invalidity shall not affect the other provisions of this order which can be given effect without the unacceptable or invalid provisions, and to that end the provisions of this order are severable.

B. This Order (Statewide Order No. 29-R-05/06) supercedes Statewide Order No. 29-R-04/05 and any amendments thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:544 (August 1988), amended LR 15:552 (July 1989), LR 21:1251 (November 1995), LR 24:459 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:2305 (October 2000), LR 27:1921 (November 2001), LR 28:2368 (November 2002), LR 29:2502 (November 2003), LR 30:2494 (November 2004), LR 31:2950 (November 2005).

James H. Welsh  
Commissioner

3. Operators of record of permitted non-commercial Class II injection/disposal wells are required to pay \$666 per well.

4. Operators of record of permitted Class III and Storage wells are required to pay \$666 per well.

C. ...

D. Production Fees. Operators of record of capable oil wells and capable gas wells are required to pay according to the following annual production fee tiers.

## **RULE**

### **Department of Public Safety and Corrections Office of State Fire Marshall**

#### **Commercial Building Energy Conservation Code (LAC 55:V.Chapter 26)**

In accordance with the provisions of R.S.40:1730.41 et seq. and 40:1563 et seq. relative to the authority of the Office of State Fire Marshal to promulgate and enforce rules, the Office of State Fire Marshal has adopted the following

2950

Rules regarding the Commercial Building Energy Conservation Code.

**Title 55**  
**PUBLIC SAFETY**  
**Part V. Fire Protection**  
**Chapter 26. Commercial Building Energy Conservation Code**

**§2601. General Provisions**

A. In accordance with R.S. 40:1730.45, et seq., no commercial building shall be constructed, altered, or repaired in Louisiana until energy code compliance documents have been submitted to and reviewed by the State Fire Marshal for compliance with the Commercial Building Energy Conservation Code. For state owned facilities, statewide enforcement of the Commercial Building Energy Conservation Code shall be the responsibility of the Facility Planning and Control section of the Division of Administration. As such, energy code compliance documents are not required as part of the submission for state owned buildings to the Office of State Fire Marshal.

B. It shall be the policy of the Office of State Fire Marshal that energy code document review will be required on any building covered by the Commercial Building Energy Conservation Code.

C. In order to expedite plan review and not delay construction or occupancy of affected buildings, the State Fire Marshal shall have the authority to issue a 21-day release for buildings for which the initial plan submission did not include a complete, valid submission of energy code documents. In the event that such a release is issued, parties submitting plans without a complete, valid submission of energy code documents will be notified in writing of the energy code requirements and have 21 days to submit the required energy code documentation. During this time, initial plan review may be completed, thereby allowing construction to commence. Failure to submit required energy code compliance documents within said 21 days will result in a letter of apparent noncompliance. Said letter shall be either in the form of a statement in the plan review letter or as a separate letter.

D. A complete, valid submission of energy code documents shall consist of documents as detailed in LAC 55:V.2604.

E. Parties submitting code compliance documents that

other evidence to the state fire marshal for a reevaluation of the project's compliance with the Louisiana Commercial Building Energy Conservation Code. In accordance with R.S. 40:1730.47(A), a \$10 fee shall be charged by the State Fire Marshal for reevaluation of energy code compliance documents.

H. The letter of apparent compliance or apparent noncompliance from the State Fire Marshal shall be kept at the site of the project for as long as the structure is in the process of construction, alteration or repair.

I. The owners of all structures shall retain this letter of apparent compliance or apparent noncompliance from the State Fire Marshal in a safe place for as long as the structure is occupied, used or both.

J. The Office of the State Fire Marshal shall not be required to retain any copy of the reviewed plans, specifications, energy code compliance documents, or letter of apparent compliance or apparent noncompliance.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:1730.41 et seq. and 40:1563 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 31:2951 (November 2005).

**§2602. Definitions**

*Alteration.* alterations, renovations or repairs to existing buildings in accordance with R.S. 40:1574(C), (D), (E), (F), and (G).

*ANSI/ASHRAE/IESNA 90.1.* the latest edition adopted by the State Fire Marshal, pursuant to the provisions of the Louisiana Administrative Procedure Act, of the document developed by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America entitled "Energy Standard for Buildings Except Low-Rise Residential Buildings."

*COMcheck.* the commercial building energy code compliance package, including computer software available from the United States Department of Energy, as a method of demonstrating compliance with ASHRAE/IES 90.1.

*Commercial Buildings.* all buildings designed for human occupancy except one and two family dwellings.

*Commercial Processing.* see industrial occupancy.

*EPAct.* the Energy Policy Act of 1992 enacted by the

appear to the State Fire Marshal to conform with the Louisiana Commercial Building Energy Conservation Code shall be furnished a letter of apparent compliance. Said letter shall be either in the form of a statement in the plan review letter or as a separate letter.

F. Parties submitting code compliance documents that appear to the State Fire Marshal not to comply with the Louisiana Commercial Building Energy Conservation Code shall be furnished a letter of apparent noncompliance. Said letter shall be either in the form of a statement in the plan review letter or as a separate letter. This letter of apparent noncompliance shall not delay the state fire marshal's normal project review process or the ability of a local building code enforcement entity to issue a building permit or use and occupancy certificate.

G. Parties receiving a letter of apparent noncompliance shall be entitled to submit revised plans, documentation or

Congress of the United States, as amended.

*Historic Buildings.*those buildings specifically designated as historically significant by the state historic preservation officer or by official action of a local government.

*Industrial.*areas of buildings intended primarily for manufacturing, commercial, or industrial processing. For purposes of determining applicability with requirements of the Commercial Building Energy Conservation Code, buildings or portions thereof in which products are manufactured or in which processing, assembling, mixing, packaging, finishing, decorating, repairing, or similar operations are conducted.

*International Energy Conservation Code.*the latest edition adopted by the State Fire Marshal, pursuant to the provisions of the Louisiana Administrative Procedure Act, of the document developed by the International Code Council, Inc., entitled "International Energy Conservation Code", also referred to as "IECC."

2951

*Low-Rise Residential.*structures used primarily for residential purposes of three stories or fewer above grade, excluding one and two family dwellings.

*Manufacturing.*see *industrial*.

*Repair or Renovation.*alterations, repairs or renovations to existing buildings in accordance with R.S. 40:1574(C), (D), (E), (F), and (G).

*REScheck.*the International Energy Conservation Code compliance package, including computer software available from the United States Department of Energy, as a method of demonstrating compliance with the International Energy Conservation Code.

*Residential.*spaces in buildings used primarily for living and sleeping. Residential spaces include, but are not limited to, dwelling units, hotel/motel guest rooms, dormitories, nursing homes, patient rooms in hospitals, lodging houses, fraternity/sorority houses, hostels, prisons, and fire stations.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:1730.41 et seq. and 40:1563 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 31:2951 (November 2005).

## **§2603. Energy Code Application and Scope**

*Louisiana Register Vol. 31, No. 11 November 20, 2005*  
**§2604. Compliance Procedures for the Energy Code**

A. For commercial buildings in all categories except low-rise residential buildings identified in ANSI/ASHRAE/IESNA 90.1, demonstration of compliance with COMcheck, materials as developed by Pacific Northwest National Laboratory for the U.S. Department of Energy's Office of Codes and Standards, available from the U.S. Department of Energy, shall be deemed to comply with the Commercial Building Energy Conservation Code. Compliance must be demonstrated individually for each of three components: envelope, lighting (including electrical), and mechanical (including hot water).

B. For low-rise residential buildings not covered by LAC 55:V.2604.A., except one and two family dwellings, demonstration of compliance with REScheck, materials as developed by Pacific Northwest National Laboratory for the Department of Housing and Urban Development and the Rural Economic and Community Development under direction of the U.S. Department of Energy's Office of Codes and Standards, available from the U.S. Department of Energy, for the requirements of the IECC shall be deemed to comply with the Commercial Building Energy Conservation

A. All commercial building plans submitted to the Office of State Fire Marshal that are included in the scope of the Commercial Building Energy Conservation Code shall contain energy code compliance documentation as required by LAC 55:V.2604.

B. Additions to existing buildings will be treated as new construction.

C. General Exemptions. Buildings or portions of buildings that meet the criteria outlined in R.S. 40:1730.44.C or by the scope of ANSI/ASHRAE/IESNA Standard 90.1 are exempt from the energy code.

D. Renovated Buildings. To determine applicability of the

Commercial Building Energy Conservation Code to altered, repaired or renovated buildings, see R.S. 40:1574.C, D, E, F, and G. Altered, repaired or renovated buildings covered by these Sections are included in the scope of the energy code.

E. Historic Buildings. As permitted by R.S. 40:1730.44.D,

the State Fire Marshal may modify the specific requirements of the Commercial Building Energy Conservation Code for historic buildings and require alternate requirements which will result in a reasonable degree of energy efficiency. It is the policy of the State Fire Marshal to encourage historic preservation and the preservation of Louisiana's architectural heritage. When applying the requirements of the energy code, the State Fire Marshal shall take into consideration the impact of these requirements on the historic integrity of existing facilities. Parties submitting plans for renovating historic buildings must demonstrate a good faith attempt to comply with the energy code. However, if compliance with the energy code will compromise the historic integrity of the affected building, it should be so noted on the plan submission. In such cases, the State Fire Marshal will accept reasonable attempts to improve the energy efficiency of the building as meeting the requirements of the energy code.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:1730.41 et. seq. and 40:1563 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 31:2952 (November 2005).

Code.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:1730.41 et seq. and 40:1563 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 31:2952 (November 2005).

**§2605. Amendments to ANSI/ASHRAE/IESNA 90.1 for Louisiana**

A. The following amendments to COMCheck are adopted for Louisiana.

1. Remove requirement that air handlers run continuously.

2. Remove all requirements for use of economizers anywhere in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:1730.41 et seq. and 40:1563 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 31:2952 (November 2005).

Stephen J. Hymel  
Undersecretary

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**RULE**

**Department of Public Safety and Corrections  
Office of State Police**

**Civil Penalties Assessment  
(LAC 33:V.10307)**

The Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, amends LAC 33:V.10307 pertaining to Motor Carrier Safety and Hazardous Material requirements to set a 45-day time limit for requesting an administrative hearing to contest an assessed Motor Carrier Safety violation, as authorized by R.S. 32:1501 et seq.